

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL J. BIESTEK,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 13-11887

Hon. Gerald E. Rosen

Magistrate Judge Mona K. Majzoub

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on July 31, 2014

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

On May 30, 2014, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation ("R & R") recommending that the Court grant in part and deny in part Plaintiff Michael J. Biestek's motion for summary judgment, deny the Defendant Commissioner of Social Security's motion for summary judgment, and remand this matter to the Defendant Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings. No objections have been filed to the R & R. Upon reviewing the R & R, the parties' underlying cross-motions for summary judgment, and the record as a whole, the Court concurs in the analysis of the Magistrate Judge, and adopts the R & R in its

entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's May 30, 2014 Report and Recommendation (docket #21) is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that Plaintiff's September 6, 2013 motion for summary judgment (docket #16) is GRANTED IN PART and DENIED IN PART, and that Defendant's December 4, 2013 motion for summary judgment (docket #18) is DENIED. In accordance with these rulings, this case will be remanded to the Defendant Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Magistrate Judge's R & R.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: July 31, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 31, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135